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July 7, 2021

Via ECF

The Hon. Sarah Netburn
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Stansell, et al., v. FARC, et al.*, Case No. 1:16-mc-00405-LGS-SN; *Pescatore, et al., v. Palmera Pineda, et al.*, Case No. 1:18-mc-00545-LGS-SN (Related Case)

Letter Motion requesting to add the Stansell/Pescatore crossclaim [D.E. 310] to Caballero's omnibus motion to dismiss, and non-objection to the Court applying the briefing schedule set in D.E. 314 to the parties' anticipated motions related to Citibank's Third Amended Answer in Case No. 18-mc-00405

Dear Judge Netburn:

On June 1, 2021, on behalf of Cross-Defendant, Antonio Caballero ("Caballero"), we submitted a pre-motion letter in advance of filing Caballero's omnibus motion to dismiss the Stansell/Pescatore Cross-Claimants' six amended crossclaims raised in D.E. 268, 269, 270, 271, 272, and 273 against Caballero (the "Six Amended Crossclaims"). *See* D.E. 286. A briefing schedule on Caballero's omnibus motion to dismiss the Six Amended Crossclaims has been ordered by the Court. *See* D.E. 314.

On June 16, 2021, the Stansell/Pescatore Cross-Claimants filed their crossclaim against Caballero, in response to Citibank, N.A.'s Amended Third-Party Complaint on the Venezuela Ministry of Finance Interpleader dated May 26, 2021 [D.E. 280]. *See* D.E. 310. Caballero's pre-motion letter regarding the crossclaim brought in D.E. 310 (the "7th Crossclaim") would be due on July 7, 2021. Given that the 7th Crossclaim is related to the other Six Amended Crossclaims, instead of filing a separate pre-motion letter solely on the 7th Crossclaim, Caballero seeks leave to add the 7th Crossclaim to his omnibus motion to dismiss the other Six Amended Crossclaims, for which a briefing schedule has already been entered.

The Stansell/Pescatore Cross-Claimants' counsel do not object to adding the 7th Crossclaim to Caballero's omnibus motion to dismiss. Therefore, Caballero respectfully requests

that this Court grant his motion to add the 7th Crossclaim to Caballero's omnibus motion to dismiss, which is due by August 25, 2021 (*see* D.E. 314).

Also, Citibank, N.A. has filed a stipulation [D.E. 321] that adds Caballero to its contemplated Third Amended Answer to Writ of Garnishment/Execution and Counterclaim and Crossclaims Seeking Relief in the Nature of Interpleader ("Citibank's Third Amended Answer") in Case No. 18-mc-00405 related to accounts associated with Samark Jose Lopez Bello and Yakima Trading Corporation. To promote judicial efficiency Caballero, with the consent of counsel for the Stansell/Pescatore parties, requests the Court also apply the briefing schedule set forth in D.E. 314 to the parties' anticipated motions arising out of responses to Citibank's Third Amended Answer.

Respectfully submitted,

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